Shortage of judges

1236. SHR K. CHANDRAN PILLAI:
SHRI SHAHID SIDDIQUI:

Will the Minister of LAW AND JUSTICE be pleased to State:

(a) the percentage of shortage of judges in Supreme Court, High Courts, Session Courts and other Lower Courts;

(b) the details of the shortage of judges in Supreme Court, High Courts and Session Courts respectively;

(c) the steps taken by Government to meet this shortage; and

(d) the action being taken by Government to dispose of the work quickly in the courts?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) to (d) The Sanctioned Strength of the Supreme court is 26 Judges against which 22 Judges were in position as on 30.112006 leaving 4 vacancies to be filled up. Against a Sanctioned Strength of 686 Judges, 615 Judges were in position leaving 71 Vacancies to be filled up as on 30.11.2006 in various High Courts.

1.1 Filling up of vacancies in the High Courts is a continuous consultative process among the constitutional authorities. While every effort is made to fill up the vacancies expeditiously, vacancies do keep arising on account of retirements, resignation or elevation of Judges.

1.2 After the Supreme Court Judgement of October 6,1993 in the Supreme Court Advocates-on-Record & Anr. Vs. Union of India, read with their Advisory Opinion of October 28,1998, the entire process of initiation of proposal for appointment of a Judge of the Supreme Court lies with the Chief Justice of India and for the appointment of a Judge of a High Court it lies with the Chief Justice of that High Court.

2. With regard to subordinate judiciary, the Supreme Court, in its judgement of 21st March, 2002 in W.P. (Civil) No. 1022 of 1989— All India Judges' Association & Ors. Vs. Union of India & Ors. has directed that an increase in the Judges strength from the existing 10.5 or 13 per 10 lakh people to 50 judges per 10 lakh

people should be effected and implemented within a period of five years in a phased manner to be determined and directed by the Union Ministry of Law. It had also directed that the existing vacancies in the Subordinate Courts at all levels should be filled in all the States.

2.1 The Central Government has filed an affidavit in the Supreme Court praying that the increase in judge strength in the Union Territories for which Central Government is administratively responsible be allowed based on workload and pendency of cases. All the State Governments are also party to the All India Judges Case.

2.2 Under Article 235 of the Constitution of India, the administrative control over the member of subordinate judiciary in the States vests with the concerned High Court and the State Government. Thus as regards the judge strength in the District and subordinate courts, the primary responsibility for taking necessary action for increasing the judge strength vests with the respective State Governments. Filling up of the vacant posts of judges/magistrates at the District and Subordinate Courts is the concern of the respective High Courts and the State Governments.

2.3 The Central Government has been periodically urging all the State Government/Union Territories and the High Courts to accord utmost priority to filling up of vacant posts of judges and magistrates. The Minister of Law and Justice has written to the Chief Justices of all High Courts and Chief Ministers of all States in 26.4.2002 for ensuring compliance of the aforesaid order of the Supreme Court dated 21 st March, 2002.

3. As per available information, a statement indicating sanctioned posts of Judicial Officers and number of vacant posts in various States is enclosed. (See below).

3.1 The pendency of cases in the Courts could be ascribed to various factors, which *inter-alia,* include vacancies of Judges, new legislations, substantial increase in fresh institution of cases, rise in population, heightened awareness of rights

on the part of the citizens, granting of adjournments, industrial development in the country, increase in trade and commerce and socio-economic matters, legislative and administrative aspects touching on the life of citizens, lawyers' strikes etc.

4. Various steps have been taken by the Government for the speedy disposal of cases which include setting up of fast track courts, amendment to the Criminal/Civil Procedure Codes, permanent adalats for disputes relating to public utilities, increase in the number of posts of Judges, establishment of special courts/tribunals, improvement in the standard of legal education, adoption of alternative modes of disputes resolution, such as arbitration, conciliation, and mediation.

Statement

Judges strength at District/Subordinate Court level as on 1.1.2006

SI. No.	Name of the State/UT	No.of sanctioned post	No.of posts filled	No. of vacant posts
1	2	3	4	5
A				
1.	Andhra Pradesh	807	768	39
2.	Arunachal Pradesh	293	293	0
3.	Assam	275	212	63
4.	Bihar	1163	691	472
5.	Chhattisgarh	235	218	17
6.	Goa	44	27	17
7.	Gujarat	826	787	39
8.	Haryana	307	230	77
9.	Himachal Pradesh	116	111	5
10.	Jharkhand	445	415	30
11.	Jammu & Kashmir	202	180	22
12.	Karnataka	811	673	138
13.	Kerala	418	395	23
14.	Madhya Pradesh	801	695	106
15.	Maharashtra	1492	1276	216

1	2	3	4	5
16.	Manipur	34	29	5
17	Meghalaya	8	6	2
18.	Mizoram	34	18	16
19.	Nagaland	25	25	0
20.	Orissa	477	425	52
21.	Punjab	328	256	72
22	Rajasthan	792	686	106
23.	Sikkim	13	10	3
24	Tamil Nadu	757	727	30
25.	Tripura	75	61	14
26	Uttar Pradesh	2172	1424	748
27.	West Bengal	706	596	110
28.	Uttaranchal	200	101	99
	TOTAL: (A)	13856	11335	2521
B.	Union Territories			
1.	Delhi	392	266	126
2	Pondicherry	21	17	4
3.	Chandigarh	20	18	2
4	Andman & Nicobar Island	8	8	0
5.	Lakshdweep Island	3	2	1
6.	Daman & Diu	3	2	1
7.	Dadra & Nagar Havali	2	2	0
	TOTAL: (B)	449	315	134
	TOTAL: (A+B)	14305	11650	2655

Setting up of family courts in Chhattisgarh

†1237 SHRI MOTILAL VORA: Will the Minister of LAW AND JUSTICE be pleased to State:

(a) whether it is a fact that proposals to set up 5 family courts in Chhattisgarh has been invited for administrative approval from the High Court, Bilaspur, Chhattisgarh;

†Original notice of the question was received in Hindi.